

**Michael J. O'Shea, ESQ.**



**From:** Michael J. O'Shea, ESQ.  
**Sent:** Friday, January 24, 2020 2:33 PM  
**To:** Tabitha Gillombardo  
**Cc:** Rock, Kenneth; MGroedel@reminger.com; Courtney M. Quinn; harvey@harveybruner.com; Ashlie Case Sletvold; Jamie Screen  
**Subject:** RE: Correspondence from Attorney Sletvold regarding subpoena to Gary Brack

Ms. Sletvold:

This is an attempt to resolve a discovery dispute. I will address the contents of your letter as follows:

1. **"The duces tecum is overly broad, subjects Mr. Brack to undue burden and expense"**

How can there be any burden or expense? I have read the Brack complaint and its reference to numerous documents. Further, I have seen a number of press release and other PR postings made by you and your firm about the good that you already possess. In that regard, I am not asking you to obtain what you already appear to have in your organized possession.

2. **"potentially seeks to invade the attorney-client privilege and attorney work-product protection including as to trial-preparation materials"**

I am not looking for any work product or privileged materials from your client. What he possesses (whether it has been obtained through public records or other litigation-based discovery methods) is not privileged. I am not looking for any notes made by your firm while preparing the case or any communications your client has had with you or your firm. In the event that you still believe there is any good faith basis for either a work product or attorney-client privilege, please make the proper privilege log and be ready to produce the documents for an in-camera inspection by the Court. You cannot blanketly claim that some documents might be covered by a claimed privilege, and then use that claim to produce no documents.

3. **"Documents regarding Mr. Brack's work at the Cuyahoga County Corrections Center are available from Cuyahoga County and MetroHealth as public records under Ohio Rev. Code § 149.43." and "Such records are also available through discovery from one or more parties in the Decosta matter."**

There is no basis under the Federal Civil Rules to claim that documents your client has can ALSO be obtained pursuant to a public records request or in another discovery method. There is no case law I can locate that supports this

position. If your client has the documents (regardless of how he got them) he has to produce them pursuant to our subpoena.

4. **"Whose own federal lawsuit is stayed while criminal proceedings progress against Kenneth Mills"**

The fact that your case is stayed (for any reason) is also not a legal basis for your client to refuse to produce documents.

Based on all of the foregoing, we are not in a position to withdraw the subpoena or narrow the scope. I am willing to extend a reasonable extension of time for your client to produce the documents.

Thanks.

**Michael J. O'Shea, Esq.**

**Lipson O'Shea Legal Group**

Hoyt Block Building - Suite 110

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(216) 241-0011 - office

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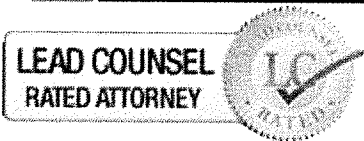
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**From:** Tabitha Gillombardo <tabitha.gillombardo@chandalaw.com>

**Sent:** Friday, January 24, 2020 9:08 AM

**To:** Michael J. O'Shea, ESQ. <michael@moshea.com>

**Cc:** Rock, Kenneth <krock@prosecutor.cuyahogacounty.us>; MGroedel@reminger.com; Courtney M. Quinn <courtney@moshea.com>; harvey@harveybruner.com; Ashlie Case Sletvold <ashlie.sletvold@chandalaw.com>; Jamie Screen <jamie.screen@chandalaw.com>

**Subject:** Re: Correspondence from Attorney Sletvold regarding subpoena to Gary Brack

Dear Mr. O'Shea:

Please see the attached correspondence.

Thank you,

Tabitha Gillombardo  
Paralegal  
The Chandra Law Firm LLC  
The Chandra Law Building  
1265 W. 6th Street, Suite 400  
Cleveland, OH 44113-1326  
216.578.1700 (office)  
216.578.1800 (fax)  
[Tabitha.Gillombardo@ChandraLaw.com](mailto:Tabitha.Gillombardo@ChandraLaw.com)  
[www.ChandraLaw.com](http://www.ChandraLaw.com)

Pronouns: she, her, hers

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This email may contain privileged or confidential information. If you have received this email in error, please reply or call 216.578.1700, so we may correct our records. Please also delete the email from your system.  
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----- Forwarded message -----

From: **Michael J. O'Shea, ESQ.** <[michael@moshea.com](mailto:michael@moshea.com)>  
Date: Thu, Jan 23, 2020 at 12:19 PM  
Subject: RE: Correspondence from Attorney Sletvold regarding subpoena to Gary Brack  
To: Marc W. Groedel <[MGroedel@reminger.com](mailto:MGroedel@reminger.com)>, Jamie Screen <[jamie.screen@chandraLaw.com](mailto:jamie.screen@chandraLaw.com)>  
Cc: [krock@prosecutor.cuyahogacounty.us](mailto:krock@prosecutor.cuyahogacounty.us) <[krock@prosecutor.cuyahogacounty.us](mailto:krock@prosecutor.cuyahogacounty.us)>, Ashlie Case Sletvold <[ashlie.sletvold@chandraLaw.com](mailto:ashlie.sletvold@chandraLaw.com)>, Courtney M. Quinn <[courtney@moshea.com](mailto:courtney@moshea.com)>, Harvey Bruner <[harvey@harveybruner.com](mailto:harvey@harveybruner.com)>

Just a documents only depo.

***Michael J. O'Shea, Esq.***

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<image005.png>

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**From:** Marc W. Groedel <MGroedel@reminger.com>  
**Sent:** Thursday, January 23, 2020 7:33 AM  
**To:** Michael J. O'Shea, ESQ. <michael@moshea.com>; Jamie Screen <jamie.screen@chandalaw.com>  
**Cc:** krock@prosecutor.cuyahogacounty.us; Ashlie Case Sletvold <ashlie.sletvold@chandalaw.com>; Courtney M. Quinn <courtney@moshea.com>; Harvey Bruner <harvey@harveybruner.com>  
**Subject:** RE: Correspondence from Attorney Sletvold regarding subpoena to Gary Brack

Can you please confirm that a deposition will not be going forward --- thanks, Marc

**Marc W. Groedel, Esq.** - 216-430-2123 (direct)  
Reminger Co., L.P.A.

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**From:** Michael J. O'Shea, ESQ. <michael@moshea.com>  
**Sent:** Tuesday, January 21, 2020 6:31 PM  
**To:** Jamie Screen <jamie.screen@chandalaw.com>  
**Cc:** krock@prosecutor.cuyahogacounty.us; Marc W. Groedel <MGroedel@reminger.com>; Ashlie Case Sletvold <ashlie.sletvold@chandalaw.com>; Courtney M. Quinn <courtney@moshea.com>; Harvey Bruner <harvey@harveybruner.com>  
**Subject:** Re: Correspondence from Attorney Sletvold regarding subpoena to Gary Brack

I'm just looking for the documents only at this point. If the documents are supplied to me then no appearance is necessary. Thanks for cooperating.

Sent from my iPad

**Michael J. O'Shea, Esq.**

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On Jan 21, 2020, at 5:39 PM, Jamie Screen <[jamie.screen@chandralaw.com](mailto:jamie.screen@chandralaw.com)> wrote:

Mr. O'Shea,

Please see the attached letter from Ms. Sletvold.

Thank you.

<2020-01-21 Sletvold to O'Shea regarding Brack subpoena.pdf>

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